

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LEROY REED,	:	CIVIL ACTION
Petitioner	:	
	:	
v.	:	NO. 11-4077
	:	
BRIAN COLEMAN, et al.,	:	
Respondents	:	

ORDER

AND NOW, this 27th day of October, 2011, upon careful and independent consideration of the petition for Writ of Habeas Corpus, after review of the Report and Recommendation of United States Magistrate Judge M. Faith Angell, and after consideration of the Objections to the Report and Recommendation filed by the Petitioner, IT IS HEREBY ORDERED that:

1. The Report and Recommendation (Doc. No. 12) is **APPROVED AND ADOPTED**.
2. Pursuant to 28 U.S.C. § 2244(b)(3)(A), because this is a successive petition, the Respondents' Motion to Transfer Unauthorized Successive Habeas Petition (Doc. No. 11) is **GRANTED IN PART**.¹
3. The petition and amended petitions for Writ of Habeas Corpus (Doc. Nos. 1, 7, & 10) are **DISMISSED WITHOUT PREJUDICE**.

¹The Respondents also argue that Mr. Reed should not be permitted to file a successive petition because he committed perjury in failing to disclose his prior habeas proceeding and because the current habeas petition is "conclusively time-barred." This Court does not have jurisdiction over Mr. Reed's successive petition. Accordingly, I will leave these arguments for the Third Circuit should Mr. Reed choose to seek proper authorization.

4. Petitioner's Objections to the Report and Recommendation (Doc. No. 14) are **OVERRULED**.
5. Petitioner's remaining motion (Doc. No. 13) is **DENIED AS MOOT**.
6. There is no probable cause to issue a certificate of appealability.
7. The Clerk of Court shall mark this case **CLOSED** for all purposes and transfer the petition and record to the United States Court of Appeals for the Third Circuit for it to consider whether it will grant permission for the petition to be filed.

BY THE COURT:

/s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, J.